

## JOURNAL OF THE HOUSE.

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Monday, May 12, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we depend upon You, Your guidance and direction in our daily struggle to serve You and constituents in a thoughtful, consistent and honorable manner. We pray for success in these endeavors. As elected leaders, grant us the wisdom and knowledge to recognize and address correctly the concerns of people in these uneasy times. Teach us to work together in a common and common sense effort to build peaceful, stable, caring and drug-free neighborhoods. May all of our choices and decisions be guided by Your ways, precepts and commandments.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Prayer.

Pledge of  
allegiance.

### *Message from the Governor.*

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to the granting of an easement by the town of Sharon (House, No. 4738) was filed in the office of the Clerk on Friday, May 9.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Sharon,  
easement.

### *Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Rogers of Norwood) honoring Phyllis A. McDonough of Norwood on her many accomplishments during her tenure as Commissioner of the Norwood Housing Authority;

Resolutions (filed by Mr. Greene of Billerica and other members of the House) supporting Taiwan in its application for observer status at the World Health Organization;

Resolutions (filed by Representatives Khan of Newton, Balser of Newton and Koutoujian of Waltham) congratulating Dr. John Michael Gray on the occasion of his retirement from the Newton Public Schools; and

Phyllis A. McDo-  
nough.

Taiwan.

John  
Michael  
Gray.

Carolyn  
Dobbs  
Wyatt.

Resolutions (filed by Representatives Khan of Newton, Balser of Newton and Koutoujian of Waltham) congratulating Dr. Carolyn Dobbs Wyatt on the occasion of her retirement from the Newton Public Schools;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Balser, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Papers from the Senate.*

Northampton,  
civil service.

A Bill exempting certain positions in the city of Northampton from the civil service law (Senate, No. 2688) (on Senate bill No. 2545) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Bonding,  
Capital  
Expenditures and  
State Assets,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until June 18, 2008, within which time to make its final report on certain current House documents numbered 4311, 4455, 4506, 4538 and 4561, relative to bonding, capital expenditures and state assets.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, Mr. Flynn of Bridgewater moved to amend it by striking out the date "June 18" and inserting in place thereof the date "May 21", by striking out the figures "4311," and by inserting before the figures "4455" the figures "4478".

The amendments were adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence in the amendments.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as amended, as follows:

Judiciary  
committee,  
extension of  
time for  
reporting.

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on the Judiciary be granted until Friday, May 30, 2008 within which to make its final report on current Senate documents numbered 243, 783, 793, 795, 802, 811, 813, 814, 815, 816, 817, 821, 833, 836, 841, 842, 847, 855, 856, 863, 868, 870, 875, 891, 898, 902, 915, 939, 945, 948, 974, 980, 985, 992, 993, 994, 1018, 1034, 1035, 1043, 1044, 1849, 2193, 2194, 2195 and 2380, relative to related legal matters.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted, in concurrence.

The following order (having been reported by the committees on Rules of the two branches, acting concurrently) came from the Senate with the endorsement that it had been adopted by said branch, as follows:

*Ordered.* That notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Thursday, May 15, 2008 within which time to make its final report on a certain current Senate document numbered 2117, relative to the security of rail facilities.

Public Safety and  
Homeland Security  
committee,  
extension of  
time for  
reporting.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the order was considered forthwith; and it was adopted, in concurrence.

A petition (accompanied by bill, Senate, No. 2686) of Stanley C. Rosenberg and Stephen Kulik (by vote of the town) for legislation relative to SBA income in the town of Sunderland, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Sunderland,  
SBA income.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2693) of Benjamin B. Downing for legislation relative to service quality standards. To the committee on Consumer Protection and Professional Licensure.

Service  
quality  
standards.

Petition (accompanied by bill, Senate, No. 2694) of Pamela P. Resor, Benjamin B. Downing, Robert L. Hedlund, Richard T. Moore and other members of the General Court for legislation to preserve drinking water quality and reliability. To the committee on Environment, Natural Resources and Agriculture.

Drinking water,  
quality.

*Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Eugene L. O'Flaherty that Edward Grace of the city of Boston be authorized to take open competitive examinations for the positions of police officer or fire fighter in the Commonwealth, notwithstanding the maximum age requirements; and

Edward  
Grace,  
civil  
service.

Petition (accompanied by bill) of Theodore C. Speliotis relative to the computation of retirement allowances for Stephen W. Heald, Jr., an employee of the Department of Youth Services;

Stephen W.  
Heald, Jr.,  
retirement.

Severally to the committee on Public Service.

Under suspension of the rules, on motion of Ms. Wolf of Cambridge, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Educators,  
licenses.Homeowners  
insurance.Fire  
insurance.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill further regulating teacher certification (Senate, No. 271, changed and amended);

Of the Bill relative to homeowners insurance (House, No. 950); and

Of the Bill relative to the standard fire insurance policy (House, No. 1027);

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Licensed  
physiologist  
board.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the licensure of exercise physiologists (House, No. 2252),— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Disabled  
Commission,  
disclosures.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to the disclosure of information held by the Disabled Persons Protection Commission pursuant to General Laws chapter 19C (House, No. 937),— and recommending that the same be recommitted to the committee on Children, Families and Persons with Disabilities. Under Rule 42, the report was considered forthwith; and it was accepted.

Small  
business,  
study.

By Mr. Walsh of Lynn, for the committee on Community Development and Small Business, on Senate, Nos. 130, 139, 150, 151, 153, 155 and 158 and House, Nos. 156, 158, 161, 168, 171 and 181, an Order relative to authorizing the committee on Community Development and Small Business to make an investigation and study of certain Senate and House documents concerning small business, job creation and other related matters (House, No. 4739). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

South Hadley,  
school  
custodians.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill exempting the school custodians in the town of South Hadley from the civil service law (House, No. 4419).

Mark  
Stomski, retire-  
ment.

By the same member, for the same committee, on a petition, a Bill authorizing the city of Worcester to provide certain retirement and medical benefits to firefighter Mark S. Stomski (House, No. 4711).

Jesse  
Goguen,

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Jesse Goguen (House, No. 4736).

sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### *Emergency Measure.*

The engrossed Bill establishing a sick leave bank for Marie Silva, an employee of the Department of Mental Retardation (see House, No. 4567), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Marie  
Silva,  
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill  
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

### *Reconsideration.*

Mr. Flynn of Bridgewater moved that the vote be reconsidered by which the House, on Friday, May 2, adopted, in concurrence, the following order:

Bonding,  
Capital  
Expenditures and  
State Assets,  
extension of  
time for  
reporting.

*Ordered,* That notwithstanding the provisions of Joint Rule 10, the committee on Bonding, Capital Expenditures and State Assets be granted until May 21, 2008, within which time to make its final report on certain current Senate documents numbered 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 47, 48, 49, 50, 51, 57, 58, 470, 504, 514, 522, 727, 2020, 2153, 2176, 2219, 2361, 2392, 2411, 2420, 2439, 2470, 2474, 2550 and 2589 and certain current House documents numbered 620, 734, 785, 4664, 4669, 4670 and 4671, relative to bonding, capital expenditures and state assets.

The motion to reconsider was considered forthwith; and it prevailed.

Pending the recurring question on adoption of the order, in concurrence, the same member moved to amend it by inserting before the figures “620” the figures “159, “.

The amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence in the amendment.

### *Orders of the Day.*

Senate bills

Relative to incurring indebtedness in the town of Ipswich (Senate, No. 2445, changed); and

Relative to the certification of the inspector of buildings and building commissioner in the city of Brockton (Senate, No. 2458);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

Third  
reading  
bills.

Third

reading  
bills.

House bills

Establishing a sick leave bank for Manuel M. Affonso Jr., an employee of the Department of Correction (House, No. 4717); and

Establishing a sick leave bank for Carol A. Wall, an employee of the Department of Mental Retardation (House, No. 4912);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Next  
sitting.

*Order.*

On motion of Mr. DiMasi of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

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At twenty-five minutes before twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.